

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

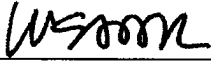
_____)	
SHAH MCKENNEY,)	
Petitioner)	
)	CA No. 08-91
v.)	
)	
TROY WILLIAMSON, WARDEN,)	
Respondent)	
_____)	

ORDER ADOPTING REPORT AND RECOMMENDATION

WILLIAM E. SMITH, United States District Judge

Petitioner Shah McKenney filed this habeas corpus action pursuant to 28 U.S.C. § 2241. Presently before the Court is the Report and Recommendation ("R&R") of Magistrate Judge Martin, attached hereto, which recommends that Petitioner's Amended Petition be recharacterized as a petition pursuant to 28 U.S.C. § 2255, with appropriate notice to Petitioner. (See R&R, Oct. 16, 2008, Docket No. 11.) Neither party objects to the R&R. Because, as fully explained in the R&R, the correct vehicle for the relief Petitioner seeks is § 2255 and not § 2241, the Court adopts the R&R in full pursuant to 28 U.S.C. § 636(b). In compliance with Castro v. United States, 540 U.S. 375, 377 (2003), the Court is simultaneously issuing a separate order that notifies Petitioner of the consequences of recharacterization, and advises him of the options for how he may proceed in this case.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "W. Smith", is written above a horizontal line.

William E. Smith
United States District Judge
Date: November 19, 2009